



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,879	05/04/2001	Shervin Pishevar	4122-4003US1	1100

7590 03/21/2005
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/849,879	Applicant(s) PISHEVAR ET AL.	
	Examiner Niketa I. Patel	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group III (Claims 16-22) in the reply filed on 01/03/2005 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu, Philip Shi-Lung U.S. Patent Number: 6,078,943 (hereinafter "Yu".)

4. **Referring to claim 16**, Yu teaches a method for event routing in a network, the network comprising more than one node [see column 2, lines 55-67 and column 3, lines 1-5], comprising:

- a. receiving a node selection request [see column 4, lines 44-51];

Art Unit: 2182

b. parsing the request to obtain necessary values form the request [see column 4, lines 52-67 and column 5, lines 1-17];

c. identifying nodes capable of handling the event [see column 5, lines 4-17];

d. determine node usage of the existing nodes in the network [see column 5, lines 4-17, 50-63 and column 6, lines 24-29]; and

e. selecting the appropriate node for performing the event thereon [see column 5, lines 4-17.]

5. **Referring to claim 17**, Yu teaches wherein the nodes capable of handling the event are identified by comparing module type in the parsed messages to a node lookup table, said node lookup table located on the network [see column 5, lines 50-63.]

6. **Referring to claim 18**, Yu teaches wherein the node usage of the existing nodes in the network is determined by ranking the identified nodes in accordance with usage statistics in a resource usage list [see column 7, lines 29-48.]

7. **Referring to claim 19**, Yu teaches wherein the appropriate node for performing the event thereon is selected based on a least-used node algorithm [see column 3, lines 63-67.]

8. **Referring to claim 20**, Yu teaches wherein the appropriate node for performing the event thereon is selected based on a least-used node for an anticipated time of use algorithm [see

Art Unit: 2182

column 2, lines 60-67 and column 3, lines 1-5, 63-67 and column 6, lines 37-58.]

9. **Referring to claim 21**, Yu teaches wherein the appropriate node for performing the event thereon is selected based on a node most capable of performing the event algorithm [see column 2, lines 60-67 and column 3, lines 1-5, 63-67 and column 6, lines 37-58.]

10. **Referring to claim 22**, Yu teaches wherein the message is parsed to obtain values to a plurality of fields for making comparison to data stored in the node lookup list and the resource usage list [see column 2, lines 60-67 and column 3, lines 1-5, 63-67 and column 6, lines 37-58.]

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to event routing in a network environment based on the capacity of the processing node/server:

Modi et al. U.S. Pat. No. 6,587,866 B1

Goldszmidt et al. U.S. Pat. No. 6,195,680 B1

Devarakonda et al. U.S. Pat. No. 6,424,992 B2

Richter et al. U.S. App. Pub. No. 2002/0194251 A1

Art Unit: 2182

McCanne U.S. App. Pub. No. 2002/0010653 A1

Yang et al. U.S. App. Pub. No. 2002/0199014 A1

Wolff U.S. App. Pub. No. 2003/0126200 A1

Darling et al. U.S. App. Pub. No. 2002/0078263 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

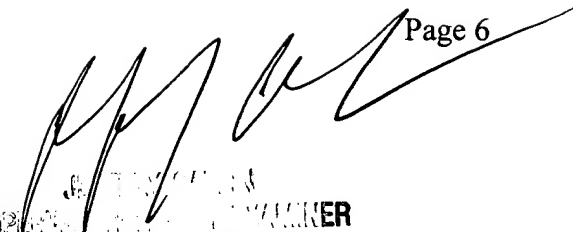
Application/Control Number: 09/849,879

Art Unit: 2182

NP

03/15/2005

Page 6



SUPPLEMENTAL EXAMINER
TECHNOLOGY CENTER 2100